

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

**CONSENT MOTION FOR EXTENSION OF TIME
TO SUBMIT RESCHEDULING PROPOSAL OR PROPOSALS**

Defendants/Counter-Plaintiff Enbridge Energy Company, Inc. and Enbridge Energy, Limited Partnership (collectively, “Enbridge”) hereby submits this unopposed, consent motion for an extension of time for the parties to submit either a jointly-proposed case schedule or their own individual rescheduling proposals. In support of this motion, Enbridge states as follows:

1. Pursuant to the Court’s September 10, 2020 text order (Dkt. No. 55), on September 14, 2020, the Parties submitted a joint letter requesting a teleconference status conference to discuss, among other things, a modified case schedule and the Plaintiff/Counter-Defendant Bad

River Band of the Lake Superior Tribe of Chippewa Indians’ (“the Band’s”) intention to file a motion seeking the Court’s leave to amend its Amended Complaint to include a request for monetary damages. *See* Dkt. No. 56.

2. On September 15, 2020, the Court held a telephonic status conference on these issues. Following the status conference, the Court set two deadlines: (1) October 16, 2020, as the deadline for the Band to move for leave to file second amended complaint, and (2) October 30, 2020, as the deadline for the Parties to submit their rescheduling proposal(s). *See* Dkt. No. 57.

3. On October 16, 2020, Enbridge consented to the Band’s Motion for Leave to File Second Amended Complaint, which the Band filed that same day. *See* Dkt. No. 70.

4. On October 19, 2020, the Court granted the Band’s Motion for Leave to File Second Amended Complaint, directing the Band to file its Second Amended Complaint and directing Enbridge to answer or otherwise respond to the Second Amended Complaint by November 9, 2020. Dkt. No. 71.

5. Enbridge is continuing to evaluate the Second Amended Complaint, including evaluating the issue of whether additional parties (not affiliated with Enbridge) must be added to the case in light of the Second Amended Complaint’s request for money damages. Enbridge has come to no firm position on this issue yet but, if such parties are added, Enbridge believes that this likely would have a material impact on the scheduling proposal(s).

6. For the foregoing reasons, Enbridge respectfully requests that the Court extend its October 30, 2020 deadline for the Parties to submit their rescheduling proposal(s) to November 9, 2020.

7. The Band consents to Enbridge’s request.

Dated: October 27, 2020

Respectfully submitted,

/s/ David L. Feinberg

Michael C. Davis
David L. Feinberg
Justin B. Nemeroff
Zakariya Varshovi
Venable LLP
600 Mass. Ave., NW
Washington, D.C. 20001
(202) 344-8278
MCDavis@venable.com
DLFeinberg@venable.com
JBNemeroff@venable.com
ZKVarshovi@venable.com

David H. Coburn
Shannen W. Coffin
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
(202) 429-8063
dcoburn@steptoe.com
scoffin@steptoe.com

Eric M. McLeod
Joseph S. Diedrich
Husch Blackwell
33 East Main Street, Suite 300
Madison, WI 53701-1379
(608) 234-6056
eric.mcleod@huschblackwell.com

Counsel for Defendants

CERTIFICATE OF SERVICE

This is to certify that on this 27 day of October 2020, a copy of the foregoing was electronically delivered to all counsel of record.

/s/ David L. Feinberg
David L. Feinberg